IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

| JAMES E. ROOP, |) |
|----------------------------------|--|
| Plaintiff, |))) Civil Action No. 7:09cv00343 |
| v. |) |
| MICHAEL J. ASTRUE, |)) By: Michael F. Urbanski |
| Commissioner of Social Security, |) United States Magistrate Judge |
| Defendant. |) |

This case is currently before the court on plaintiff's Motion for Remand (Dkt. #14), which the court construes as a motion for summary judgment, and defendant's Motion for Summary Judgment (Dkt. #7). The court heard oral argument on September 2, 2010. For the reasons stated in the accompanying Memorandum Opinion, it is hereby **ORDERED** that plaintiff's Motion for Remand (Dkt. #14) is **GRANTED**, defendant's Motion for Summary Judgment is **DENIED** (Dkt. #7), and this case is remanded to the Commissioner for further administrative consideration.

The Clerk of Court is directed to send copies of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered: November 15, 2010.

(s/ Michael F. Urbanski

Michael F. Urbanski

United States Magistrate Judge